



DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING SOLID WASTE LAND DISPOSAL FACILITIES

LSA Document #00-185

Overview

This rulemaking is needed to make substantive changes to the rules for municipal solid waste landfills (MSWLFs). These amendments will add, delete, and modify requirements for MSWLFs.

Citations Affected

Amends and repeals various sections of 329 IAC 10. The proposed rule also will add provisions from the Clean Water Act, Phase II, storm water, as the requirements relate to municipal solid waste landfills.

Affected Persons

This rulemaking will affect MSWLF owners, operators or permittees.

Reason(s) for the Rule

When the Indiana Department of Environmental Management (IDEM) revised rule language regarding municipal solid waste landfills effective April 13, 1996, the agency was asked by the Solid Waste Management Board to commit to re-examining the rules after six (6) months to address any areas of confusion that were revealed during implementation. This substantive change of 329 IAC 10 was completed and effective September 1999. Since this time, additional technical clarifications and changes have been deemed necessary to the rule. In addition, pursuant to IC 13-14-9.5 (regarding the expiration and readoption of administrative rules), IDEM received written comments that various sections in 329 IAC 10 should be separately readopted. These comments have been addressed in this rulemaking.

Economic Impact of the Rule

No economic impact is anticipated from this rule. The majority of changes are technical clarification of terms, updates to include revised federal or statutory requirements, and incorporation of other IDEM program regulations.

Benefits of the Rule

The public will benefit from this rulemaking with increased safety from MSWLFs. The regulated community will benefit from this rulemaking with regulations that will be clearer, consistent and not redundant. Landfills and associated construction usually permitted separately by the Office of Water Quality, specifically under 327 IAC 15-5 and 327 IAC 15-6 for storm water controls, will now be included under 329 IAC 10, so that no separate permit will be required.

Description of the Rulemaking Project

In an effort to further clarify 329 IAC 10, this current rulemaking may add, modify, or delete requirements of the regulated community. This rule will also add requirements from the Clean Water Act, Phase 2, Storm Water provisions as the requirements relate to landfills.

Scheduled Hearings

First Public Hearing: September 17, 2002, 1:30 p.m., Conference Center, Room A, Indiana Government Center South.

Second Public Hearing: October 21, 2003, 1:30 p.m., Conference Center, Room A, Indiana Government Center South.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through

coordinated control of all factors affecting the quality.

6) Economic reasonableness of measuring or reducing any particular type of pollution.

7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

(A) human, plant animal, or aquatic life; or

(B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amended rules are consistent with federal laws and rules.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Solid Waste Management Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with the Secretary of State.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Pam Koons, Rules, Planning and Outreach Section, Office of Land Quality, (317) 232-8899 or (800) 451-6027 (in Indiana).